IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 28701 of 2007(P)

PETITIONER:

THOMAS MATHEW,S/O. MATHEW CHACKO,
AGED 41 VATTACHAL, KALLDIKKODE P.O.,
PALAKKAD.

BY ADV. SRI.JOBI.A.THAMPI
SRI.RAFFEEKH.K

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY SECRETARY
GOVERNMENT AGRICULTURAL DEPARTMENT
SECRETARIAT,TRIVANDRUM.

2. THE VEGETABLES AND FRUIT PROMOTION
COUNCIL,KERALA REPRESENTED BY THE
CHIEF EXECUTIVE OFFICER,REGD.OFFICE,
MYTHRI BHAVAN,KAKKANAD,KOCHI.

3. BALACHANDRAN NAIR.R.,
PANDARAVILA KIZHAKKEPUTHEN VEEDU,
NARUVAMOODU P.O.NEMAM.THIRUVANANTHAPURAM.

4. P.P.SIBI JOSE,
PRACTICING COMPANY SECRETARY,
61/2939, TEN ROSE, SRM ROAD, KOCHI,
RETURNING OFFICER FOR THE ELECTION TO THE
BOARD OF DIRECTORS.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 28701 OF 2007
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Dated this the 27th day of September, 2007

J U D G M E N T

The complaint of the petitioner is that the 3rd respondent is ineligible to contest as Director of the 2nd respondent Company and that despite this, the 4th respondent Returning Officer has accepted the nomination. Admittedly, the 2nd respondent is a Company, incorporated under the provisions of the Companies Act, 1950. Nomination and election to the post of Director in a Company are matters governed by the provisions of the Companies Act. If there is violation in these areas, Companies Act itself provides remedy. It is for the petitioner to pursue those remedies and this writ petition for that reason is not maintainable.

Writ petition fails and is dismissed.

ANTONY DOMINIC, JUDGE.

Rp